

### REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1-47 are pending in the application. No claims have been amended. Claims 48-51 have been added. Claims 1-47 have been canceled.

The Examiner rejected claim 7 under 35 U.S.C. § 101 because of informalities. Applicant has cancelled claim 7. The Examiner rejected claims 24-31 under 35 U.S.C. § 101 because of the claimed invention is directed to non-statutory subject matter. The Examiner rejected claims 1-2, 4, 15-17, 19, 23-25, 27, 31-33, 35, 39-41, 43 and 47 under 35 U.S.C. § 102(e) as being anticipated by Easwar et al (U.S. Patent 6,825,876 B1). The Examiner rejected claims 3, 4, 18, 20, 26, 28, 34, 36, 42 and 44 under 35 U.S.C. § 103(a) as being unpatentable over Easwar et al in view of Okada (U.S. Patent 6,934,418). The Examiner rejected claims 10-11, 21-22-29-30 and 45-46 under 35 U.S.C. § 103(a) as being unpatentable over Easwar et al in view of Matoba (U.S. Patent 6,269,183 B1). Claims 1-47 have been cancelled without prejudice. Therefore, these rejections have been obviated.

Claims 48-51 have been added. Claim 48 sets forth a color imaging device having “a controller to control a compression ratio of the irreversible compression process conducted by the compression and encoding unit for the plane data of each color independently with each other” and having “an information acquisition unit to acquire an evaluation value of white-balance from the raw data”. Further, Claim 49, which depends on Claim 48 sets forth that “the controller determines whether a proportion of a color component is large or small based on the evaluation value of white-balance acquired by the information acquisition unit, the controller further setting the compression ratio of the color plan according to the result of the determination”. Claims 50 and 51 have similar limitations to Claims 48 and 49, respectively,

except they are drafted as method claims. The features set forth above in Claims 48 and 49, as well as the corresponding limitations in Claims 50 and 51, are not disclosed in any of the cited references by the Examiner or Applicant. Thus, Applicant respectfully submits that Claims 48-51 as added are distinct over the cited references and are in condition for allowance.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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